

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, a public body politic and corporate, duly organized and existing pursuant to the provisions of Massachusetts General Laws, Chapter 121 as superseded and amended by its successor, Statute Chapter 121B, as amended and having its principal office in Boston, Suffolk County, Massachusetts, in pursuance of its powers as set out in said Laws and every other power thereunto enabling determined that the area or areas hereinafter described within the City of Boston constitute a substandard and decadent area as defined in Chapter 121B as amended, and further determined in accordance with Sections 45, 46 and 48 of said Law and all other powers granted by said Chapter 121B that a project for the assembly and renewal of said area, hereinafter called the "Park Plaza Urban Renewal Area," described in Section A.2. of the Park Plaza Urban Renewal Plan attached hereto as Annex A and filed herewith, ought to be undertaken in said City; and

WHEREAS, on May 12, 1977 as amended the Redevelopment Authority approved and adopted an Urban Renewal Plan, as amended, as defined in said Section 121B, for the renewal of said area, said plan being entitled, "Park Plaza Urban Renewal Plan"; and

WHEREAS, the Authority acting as the Planning Board of said City, the City Council of said City and the Department of Community Affairs have severally approved the said Renewal Plan and project and made appropriate findings and determinations in connection therewith, all in accordance with the provisions of law including but not limited to C. 121B; and

WHEREAS, the City of Boston and said Redevelopment Authority have entered into an agreement, dated January 6, 1971 as amended, and entitled, "Cooperation Agreement," providing among other things for a contribution by said City in connection with the carrying out and completion of said Urban Renewal Plan; and

WHEREAS, public hearings on said Urban Renewal Plan and Park Plaza Project have been held, after due notice, including public hearings by the City of Boston and Department of Community Affairs; and

WHEREAS, the Redevelopment Authority has determined that the taking in fee simply by eminent domain of said area, as hereinafter described, is necessary and reasonably required to carry out the purposes of General Law Chapter, 121B as amended and said Urban Renewal Plan; and

WHEREAS, the Redevelopment Authority in accordance with the provisions of Chapter 121B as amended of said Housing Authority Law has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by General Laws (Ter. Ed.) Chapter 79, Section 40.

NOW, THEREFORE, ORDERED that the Boston Redevelopment Authority, acting under the provisions of Chapter 121B and without limiting the generality of the foregoing Section 48, subparagraph (b) of General Laws (Ter. Ed.) Chapter 121B, and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws (Ter. Ed.) Chapter 79 as amended, and of any and every other power and authority to it, granted or implied, hereby takes for itself in fee simply by eminent domain for the purposes hereinbefore set forth, the area or areas located in the City of Boston as hereinafter described, including all parcels of land therein, together with any and all easements and rights appurtenant thereto, including the trees, buildings and other structures standing

upon or affixed thereto, and including the fee to the center of any and all public streets, highways and public ways, contiguous and adjacent to said area or areas, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto, being bounded and described in "Annex B" attached hereto and made a part hereof as though incorporated herein in full.

AND FURTHER ORDERED that in accordance with the provisions of the General Laws, Chapter 79, Section 6, as amended, awards are made by the BOSTON REDEVELOPMENT AUTHORITY for damages sustained by the owners or owner and all other persons including all mortgagees of record having any and all interest in each parcel of the areas described in Annex B and entitled to any damages by reasons of the taking hereby made; the word, "Parcel" as herein used being construed to mean any contiguous tract of land in the same ownership, whether or not such tract consists of one or more plotted lots or a fractional part thereof. The Boston Redevelopment Authority reserves the right to amend the award or to increase the amount of damages to be paid at any time prior to the payment thereof for good cause shown. The awards hereby made are set forth in Annex C, which Annex C is not to be recorded in the Registry of Deeds with this Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this order of taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the
Boston Redevelopment Authority have caused the corporate seal of
the Authority to be hereto affixed and these presents to be signed in
the name and behalf of the Boston Redevelopment Authority.

DATED: **AUG 20 1961**

BOSTON REDEVELOPMENT AUTHORITY

Robert J. Fane

James L. Kelly
William H. Hill

ATTEST:

Klaus F. Farnham

Secretary of the Boston Redevelopment Authority

Approved as to form:

Ronda S. Canter

Ronda S. Canter, Assistant General Counsel

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

(1) That he is the duly qualified and Acting Secretary of the Boston Redevelopment Authority, hereinafter called the Authority, and the keeper of the records, including the journal of proceedings of the Authority.

(2) That the following is a true and correct copy of a vote as finally adopted at a meeting of the Authority held on May 12, 1977 and duly recorded in this office:

Copies of a memorandum dated May 12, 1977 were distributed re Park Plaza Urban Renewal Plan, attached to which were copies of a Resolution, Amendment No. 1 to the Cooperation Agreement with the City Council; a Land Acquisition Map revised January 20, 1977; and a Land Disposal Map revised January 20, 1977.

A Resolution entitled "Resolution of the Boston Redevelopment Authority Regarding an Amendment to the Park Plaza Urban Renewal Plan and a corresponding Amendment to the Cooperation Agreement by and between the City of Boston and the Boston Redevelopment Authority for the Park Plaza Urban Renewal Project" was introduced, read and considered.

On motion duly made and seconded, it was unanimously

VOTED: to adopt the Resolution as read and considered.

The aforementioned Resolution and Amendment No. 1 is filed in the Document Book of the Authority as Document No. 3470.

(3) That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting, and a legally sufficient number of members of the Authority voted in a proper manner and all other requirements and proceedings under law incident to the proper adoption or the passage of said vote have been duly fulfilled, carried out and otherwise observed.

(4) That the Resolution and Amendment No. 1 to which this certificate is attached is in substantially the form as that presented to said meeting.

(5) That if an impression of the seal has been affixed below, it constitutes the official seal of the Boston Redevelopment Authority and this certificate is hereby executed under such official seal.

/s/ [Signature] is the Attorney/Authority

(7) That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand this 6th day of August 1981.

BOSTON REDEVELOPMENT AUTHORITY

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcel of land is to be taken by this Order of Taking:

<u>Block/Parcel</u>	<u>Address</u>	<u>Assessor's Parcel</u>	<u>Supposed Owner</u>
S2B3A/5	218-224 Boylston Street	1188	Frank Sawyer, William Sawyer and Alwin E. Hodson, Jr. and Boston Safe Deposit and Trust Company as Trustees under the will of Al E. Hodson, Middlesex Probate No. 378194

A parcel of land with the buildings thereon situate and now numbered 218-224 on Boylston Street in said Boston extending through to Providence Street, bounded and described as follows:

Northerly on said Boylston Street, forty-nine and 98/100 feet; Westerly on land formerly of George R. White, one hundred thirty-eight and 62/100 feet; Southerly on said Providence Street, fifty and 12/100 feet; and Easterly on land formerly of Paul M. Hamlen by a line passing through the brick partition wall as shown on a plan of said wall made by Aspinwall and Lincoln, Civil Engineers, dated Jan. 22, 1902 and recorded with Suffolk Deeds Book 2801, Page 579, one hundred and forty and 22/100 feet. Or however otherwise said premises may be bounded measured or described:

See also premises shown on a plan made by Boston Survey Consultants dated January 27, 1969 and recorded with Suffolk Deeds Book 8264, Page 186; and see also premises shown on a plan made by Boston Survey Consultants, dated April 10, 1968 and recorded with Suffolk Deeds Book 8268, Page 416.

The above parcel hereby taken is located in Ward 5 in the City of Boston.

The name of the owner herein listed as the Supposed Owner, although supposed to be correct, is such only as a matter of information, opinion and belief and is listed for informational purposes only.

ANNEX C

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

AWARD OF DAMAGES

Award for Order of Taking is as follows:

<u>Block/Parcel</u>	<u>Address</u>	<u>Damage Award</u>
S2B3A/5	218-224 Boylston Street	\$376,000.00

